

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PROGRESSIVE NORTHERN INSURANCE  
COMPANY.

Plaintiff,

-against-

DANIEL BELTEMPO, FRANCINE BELTEMPO,  
PAMJAM, INC., JILCO EQUIPMENT LEASING  
COMPANY, INC., DANA'S PRO TRUCKING INC.,  
TRAILMOBILE CORP., TRAILMOBILE PARTS AND  
SERVICE CORP., THERMO KING CORP.,  
INGERSOLL-RAND CO., LTD., and THERMO KING  
CORP., A UNIT OF INGERSOLL-RAND COMPANY  
LTD.,

Defendants.

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**VERIFIED ANSWER**

CIV NO.: 07CV4033 (CLB)

Defendants, **Trailmobile Corporation and Trailmobile Parts & Service Corporation**, by their attorney, LAW OFFICE OF LORI D. FISHMAN, answering the Verified Complaint of the plaintiff herein, alleges upon information and belief:

**FIRST**: Deny any knowledge or information sufficient to form a belief as to paragraph designated "1" of the Complaint and refer all questions of law to the Honorable Court at the time of trial.

**SECOND**: Deny any knowledge or information sufficient to form a belief as to paragraphs designated "2", "3", "4", "5", "6", "7", "8", "9", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47" and "48" of the Complaint.

**THIRD**: Denies paragraphs designated "10" and "12" of the Complaint.

**FOURTH**: Deny paragraphs designated "11" of the Complaint except admit that at all times herein after mentioned the defendant, **Trailmobile Corp.**, was and still is a foreign corporation.

**FIFTH**: Admit paragraphs designated "13", "25" and "26" of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

**SIXTH**: That the Court does not have jurisdiction over the person of the defendants, due to improper service of process.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

**SEVENTH**: That the Complaint of the plaintiff fails to state a cause of action against this/these answering defendants.

**WHEREFORE**, it is prayed that the Complaint and any and all other claims asserted against defendants, **Trailmobile Corporation and Trailmobile Parts & Service Corporation**, be dismissed with costs, interest and disbursements, along with such other and further relief as this Court deems just and proper.

DATED: Tarrytown, New York  
July 5, 2007

Yours etc.,

LAW OFFICE OF LORI D. FISHMAN

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GEORGE R. DIETER (GRD 0268)  
Attorney for Defendants  
**Trailmobile Corporation and  
Trailmobile Parts &  
Service Corporation**  
303 South Broadway, Suite 435  
Tarrytown, NY 10591  
(914) 524-5600  
File # 107220081

TO: BURATTI, KAPLAN MCCARTHY & MCCARTHY  
**Attorney for Plaintiff**  
One Executive Boulevard - Suite 280  
Yonkers, NY 10701  
(914) 378-3900

BAUMAN, KUNKIS & OCASCIO-DOUGLAS, P.C.  
Attorney for Defendants  
**Daniel Beltempo & Francine Beltempo**  
225 West 34th Street  
New York, NY 10122  
212-564-3555

KENNY SHELTON LIPTAK NOWAK, LLP

Attorney for Defendant

**Dana's Pro Trucking, Inc.**

14 Lafayette Square Suite 510

Buffalo, NY 14203

716-853-3801

DONOHUE & PARTNERS, P.C.

Attorney for Defendant

**Pamjam, Inc.**

90 Broad Street, Suite 1502

New York, NY 10004

212-972-5252

BARRY, MCTIERNAN & MOORE, ESQS.

Attorney for Defendant

**Jilco Equipment Leasing Company, Inc.**

55 Church Street, Suite 205

White Plains, NY 10601

914-946-1030

PORZIO, BROMBERG & NEWMAN, P.C.

Attorney for Defendants

**Thermo King Corp., Ingersoll-Rand Co., Ltd.and**

**Thermo King Corp., A Unit of Ingersoll-Rand Company, Ltd.**

156 West 56th Street Suite 803

New York, NY 10019-3800

212-265-6888

**AFFIRMATION OF VERIFICATION**

George R. Dieter Esq., hereby affirms under the penalty of perjury, pursuant to CPLR 2106, that he is an attorney admitted to practice in the courts of this state and that he is associated with LAW OFFICE OF LORI D. FISHMAN, the attorney for the defendants, **Trailmobile Corporation and Trailmobile Parts & Service Corporation**, in the within action; that the foregoing **VERIFIED ANSWER** is true to his own knowledge, except as to matter therein stated to be upon information and belief, and that as to those matters he believes it to be true.

That this **VERIFIED ANSWER** is affirmed by your affirmant and not by the defendants because the defendants, upon information and belief are foreign corporations and the source of affirmant's information, and the grounds for his belief are the records and reports of investigation kept in the office of the said attorney for the defendants in connection with this action and the accident out of which said action arises.

DATED: Tarrytown, New York  
July 5, 2007

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George R. Dieter

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF WESTCHESTER )

PAMELA M. HYLAND, being duly sworn deposes and says:

I am not a party to this action. I am over the age of 18 years. On July 5, 2007, served the annexed **VERIFIED ANSWER** upon the attorneys and/or parties listed below by depositing a true copy of the same into the care of the U.S. Postal Service within the State of New York directed to the said attorneys and/or parties as follows:

BURATTI, KAPLAN MCCARTHY & MCCARTHY  
**Attorney for Plaintiff**  
One Executive Boulevard - Suite 280  
Yonkers, NY 10701

BAUMAN, KUNKIS & OCASCIO-DOUGLAS, P.C.  
Attorney for Defendants  
**Daniel Beltempo & Francine Beltempo**  
225 West 34th Street  
New York, NY 10122

KENNY SHELTON LIPTAK NOWAK, LLP  
Attorney for Defendant  
**Dana's Pro Trucking, Inc.**  
14 Lafayette Square Suite 510  
Buffalo, NY 14203

DONOHUE & PARTNERS, P.C.  
Attorney for Defendant  
**Pamjam, Inc.**  
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BARRY, MCTIERNAN & MOORE, ESQS.  
Attorney for Defendant  
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PORZIO, BROMBERG & NEWMAN, P.C.  
Attorney for Defendants  
**Thermo King Corp., Ingersoll-Rand Co., Ltd. and  
Thermo King Corp., A Unit of Ingersoll-Rand Company, Ltd.**  
156 West 56th Street Suite 803  
New York, NY 10019-3800

such being the address(es) previously designated for that purpose in the preceding papers in this action or being the last known address for that person. Such service was done in full conformance with Rule 2103 of the CPLR.

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PAMELA M. HYLAND

Sworn to Before Me On  
July 5, 2007

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Notary Public

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PROGRESSIVE NORTHERN INSURANCE  
COMPANY.

Plaintiff,

-against-

07CV4033 (CLB)

DANIEL BELTEMPO, FRANCINE BELTEMPO,  
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Defendants.

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**VERIFIED ANSWER**

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**LAW OFFICE OF LORI D. FISHMAN**

**Attorney for Defendant(s)**

Trailmobile Corporation and Trailmobile Parts & Service Corporation

**303 South Broadway, Suite 435**

**Tarrytown, N.Y. 10591**

**(914) 524-5600**

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By: \_\_\_\_\_  
**George R. Dieter**

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PLEASE TAKE NOTICE:

**NOTICE OF ENTRY**

that the within a (certified) true copy of an  
duly entered in the office of the clerk of the within named court on

**NOTICE OF SETTLEMENT**

that an \_\_\_\_\_, of which the within is a true copy, will be presented for  
settlement to the Hon. \_\_\_\_\_, one of the judges of the within named  
Court, at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_.

DATED:

Yours etc.,  
LAW OFFICE OF LORI D. FISHMAN